

BINGHAM McCUTCHEN LLP
DONALD S. DAVIDSON (SBN 231908)
SARAH L. BISHOP (SBN 258051)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
donald.davidson@bingham.com
sarah.bishop@bingham.com

BINGHAM McCUTCHEN LLP
MICHAEL D. BLANCHARD (*pro hac vice*)
One State Street
Hartford, CT 06103-3178
Telephone: 860.240.2700
Facsimile: 860.240.2800
michael.blanchard@bingham.com

Attorneys for Defendants
Wells Fargo Advisors, LLC, Wells Fargo Advisors
Financial Network, LLC, Wells Fargo Securities, LLC,
and Wells Fargo & Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THEODORE KAGAN, JAMES AVEN,
FRANCES LEVY, ELAINE SOFFA, JOSEPH
SOFFA, and ALBERKRACK FAMILY
LIMITED PARTNERSHIP, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WACHOVIA SECURITIES, L.L.C., a North
Carolina limited liability company; WACHOVIA
SECURITIES FINANCIAL NETWORK, L.L.C.,
a North Carolina limited liability company;
WACHOVIA CAPITAL MARKETS, L.L.C., a
North Carolina limited liability company;
WELLS FARGO ADVISORS, L.L.C., a
Delaware limited liability company; WELLS
FARGO ADVISORS FINANCIAL NETWORK,
L.L.C., a Delaware limited liability company;
WELLS FARGO SECURITIES, L.L.C., a
Delaware limited liability company; WELLS
FARGO & COMPANY, a Delaware corporation;
and DOES 1 through 10, inclusive,

No. 09-5337 (SC)

**STIPULATION TO EXTEND
DEADLINE TO SUBMIT
SETTLEMENT AGREEMENT FOR
THE COURT'S APPROVAL**

Judge: Hon. Samuel Conti

1 Defendants.

2
3 BRENT BALKEMA, as Trustee for the Jesse J.
4 Balkema Rev Trust, on behalf of himself and all
others similarly situated,

5 Plaintiffs,

6 v.

7 WACHOVIA SECURITIES, LLC, a North
8 Carolina limited liability company, WACHOVIA
SECURITIES FINANCIAL NETWORK, LLC, a
9 North Carolina limited liability company,
WELLS FARGO ADVISORS LLC; a Delaware
10 limited liability company, WELLS FARGO
SECURITIES FINANCIAL NETWORK, LLC, a
11 Delaware limited liability company,

12 Defendants.

No. CV-11-00412 (SC)

13 Through this Stipulation, Plaintiffs Theodore Kagan, James Aven, Frances Levy, Elaine
14 Soffa, Joseph Soffa, Alberkrack Family Limited Partnership, and Brent Balkema (“Plaintiffs”)
15 and Defendants Wells Fargo Advisors, LLC (sued under its own name and also under the name
16 “Wachovia Securities, LLC”), Wells Fargo Advisors Financial Network, LLC (sued under its
17 own name and also under the name “Wachovia Securities Financial Network, LLC”), Wells
18 Fargo Securities (sued under its own name and also under the name “Wachovia Capital Markets,
19 LLC”) and Wells Fargo & Company (“Defendants”), collectively referred to herein as the
20 “Parties,” through their counsel of record, hereby stipulate to extend the previously agreed
21 deadline for the parties to submit a proposed class action settlement stipulation and motion for
22 preliminary approval of settlement to January 13, 2012.

23 WHEREAS, the Parties have exchanged drafts of a proposed settlement agreement on
24 behalf of a proposed settlement class and are in good faith working towards completing drafts of
25 accompanying documents necessary for the Court’s consideration of the proposed settlement,
26 subject to completion of confirmatory discovery;

27 WHEREAS, given the nature of this litigation and proposed settlement, involving a class
28 action regarding the settlement of claims arising from a previous class action, the proposed

1 settlement drafts and accompanying settlement materials are complicated documents not readily
2 duplicated by use of boilerplate class action settlement language and require extensive drafting
3 of appropriate language for the Court's consideration;

4 WHEREAS, the Parties have in good faith been engaging in confirmatory discovery in
5 connection with the settlement and such discovery is near complete;

6 WHEREAS, upon completion of confirmatory discovery, anticipated to occur by
7 December 18, 2011, the Parties will be able to finalize a proposed settlement and all
8 accompanying documents necessary for the Court's consideration;

9 WHEREAS, the Parties anticipate that they will be able to resolve all outstanding details
10 and finalize the proposed settlement by January 13, 2012;

11 NOW, THEREFORE, the Parties jointly request and hereby stipulate that the Parties shall
12 submit a settlement agreement, combined with a stipulation to conditionally certify a class for
13 settlement purposes, for the Court's approval under Federal Rule of Civil Procedure 23(e), no
14 later than January 13, 2012.

15 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

16 DATED: December 6, 2011

17 KABATECK BROWN KELLNER LLP

18
19
20 By: /s/ Karen Liao
Richard L. Kellner
Karen Liao
Attorneys for Plaintiffs

21
22 DATED: December 6, 2011

23 BINGHAM MCCUTCHEN LLP

24
25
26 By: /s/ Michael D. Blanchard
Michael D. Blanchard
Donald S. Davidson
Sarah L. Bishop
Attorneys for Defendants

ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

DATED: December 6, 2011

BINGHAM MCCUTCHEN LLP

By: /s/ Sarah L. Bishop
Michael D. Blanchard
Donald S. Davidson
Sarah L. Bishop
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Pursuant to the stipulation of the Parties and good cause appearing, the deadline for the Parties to submit a class action settlement stipulation and motion for preliminary approval of settlement shall be January 13, 2012.

DATED: December 8, 2011

By: _____

